

## **Elder Abuse**

Many older adults who live at home are at risk of abuse, neglect and financial exploitation by family members and others close to them. The victims of abuse often are isolated and may be frightened or unable to seek help for themselves.

Law enforcement officers play a key role in responding to reports of elder maltreatment and in working with Catholic Charities, the Elder Abuse Program provider agency, on behalf of older victims. The goal is to see that victims have a full range of legal and service alternatives available to them.

### **Defining Elder Abuse**

- **Physical abuse** means inflicting physical pain or injury upon an older adult. (20% of cases)
- **Sexual abuse** means touching, fondling or any other sexual activity with an older adult, when the person is unable to understand, unwilling to consent, threatened or physically forced. (2 %)
- **Emotional abuse** means verbal assaults, threats of abuse, harassment or intimidation. Emotional abuse is often coupled with other forms of abuse. (45%)
- **Confinement** means restraining or isolating an older person, other than for medical reasons. (4%)
- **Passive neglect** means the caregiver's failure to provide an older person with life's necessities, including, but not limited to food, clothing, shelter or medical care. (37%)
- **Willful deprivation** means willfully denying an older person medication, medical care, shelter, food, therapeutic device or other physical assistance, thereby exposing the person to the risk of physical, mental or emotional harm—except when the dependent person has expressed intent to forego such care. (6%)
- **Financial exploitation** means the misuse or withholding of an older person's resources by another, to the disadvantage of the elderly person and/or the profit or advantage of another. (51%)

## Reporting Elder Abuse

In 1988, the Illinois Elder Abuse and Neglect Act (Public Law 85-1184) was enacted into law to address the problem of the abuse of elders in their own homes. *The Illinois Department on Aging's statewide Elder Abuse & Neglect Program responds to reports of alleged elder abuse, neglect and/or exploitation of persons 60 years of age or older and works with the victims to solve their problems. The older adult must reside in the community and the abuse must be caused by someone other than the victim.* The Elder Abuse and Neglect Act (Public Act 90-628) was amended in 1999 to compel persons who are mandated, including law enforcement, to report older persons who are suspected of being abused, neglected or financially exploited but who are unable, due to dysfunction, to report for themselves.

In addition, it codifies that the Elder Abuse and Neglect Program must report suspected criminal activity to law enforcement in accordance with Illinois Department on Aging policies.

Catholic Charities has been the provider agency in Lake County investigating allegations of elder maltreatment, and providing casework and follow-up to elderly victims since the program's inception in 1988. **Referral calls are received by Catholic Charities Monday through Friday, 8:30 AM to 4:30 PM at 800-942-3930. Referrals are also accepted at the Illinois Department on Aging Elder Abuse and Neglect Hotline: 800-252-8966 or 800-279-0400 after hours, weekends and holidays.** It is helpful to the intake worker if the caller has basic information such as the alleged victim's and alleged abuser's names, addresses, and telephone numbers. Any other details that will assist in the investigation will be most helpful.

When a call is received, an elder abuse caseworker responds with a home visit within a specific period of time depending on the severity of the case; within 24 hours for the most dangerous situations, within 72 hours for intermediate ones and up to seven days for all others. The approach is low-key, stressing the desire to work with the older adult and family to resolve problems.

Depending on the older person's wishes, interventions include: in-home healthcare, homemaker services, meals on wheels, respite care for the caregiver, housing assistance, financial assistance (representative payee, money management, direct deposit), counseling, nursing home placement, emergency assistance for food, housing, physical or mental health care.

### **Role of Law Enforcement**

Because the Illinois Elder Abuse and Neglect Program assists victims of emotional abuse, as well as victims of physical abuse, financial exploitation, neglect and deprivation, not all cases involve criminal behavior. However, many do involve assaults, batteries, fraud, unlawful restraints, criminal neglect and other serious crimes. In addition to responding to reports of alleged criminal activity, law enforcement officers may occasionally be requested to accompany an elder abuse caseworker to a home to investigate a case. This will only happen when the worker has reason to believe that a dangerous situation exists.

As with other family problems, elder abuse and neglect are shrouded by secrecy and victims are often reluctant to involve the criminal justice system. However, appropriate law enforcement and social service responses can do a great deal to alleviate the elder's fears and to help ensure the older adult lives his/her life in safety and dignity.

### **Elder Abuse Statutes**

- Financial Exploitation of an Elderly or Disabled Person: 720 ILCS 5/16-1.3
- Criminal Neglect of an Elderly or Disable Person: 720 ILCS 5/12-21
- Aggravated Assault: 720 ILCS 5/12-2
- Aggravated Battery of a Senior Citizen: 720 ILCS 5/12-4.6
- Aggravated Criminal Sexual Assault: 720 ILCS 5/12-14
- Aggravated Criminal Sexual Abuse: 720 ILCS 5/12-16
- Public Act 90-628 also amends the Code of Criminal Procedure and Code of Civil Procedure by allowing for certain hearsay exceptions where the victim has been diagnosed by a physician with dementia, developmental disability, other mental incapacity or a physical infirmity which prevents the person's appearance in court.